

**Amendments to the Drawings:**

The replacement drawing sheet attached in connection with the above-identified application containing Figures 15A and 15B is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. Figures 15A and 15B have been amended to include the legend "Prior Art." Appended to this amendment is an annotated drawing sheet of the previously submitted drawing sheet which has been amended to show the changes presented in the replacement drawing sheet.

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Applicant appreciates the telephone interview with Examiner Granger on November 10, 2005, the Interview Summary of which is of record in the application. It was noted during the interview that claims 13 and 14 were not addressed in the rejection mailed August 10, 2005. Applicants appreciate Examiner Granger's agreement to issue a new Office Action, which has now been issued as the Office Action mailed on November 14, 2005.

As a preliminary matter, Applicant notes the Office Action's acknowledgement of Applicant's claim for foreign priority and consideration of the Information Disclosure Statement (IDS) filed on February 27, 2004.

Regarding the IDS filed on October 26, 2004, Applicant notes that the Examiner did not consider Japanese references JP 3-24663 and JP 3-69162, as indicated by these references being crossed out on the IDS. Applicant respectfully submits English language translations for the Japanese references pursuant to the Examiner request in a telephone message of January 27, 2006 to Applicant's representative. Applicant has prepared another PTO/SB/08 form listing Japanese references JP 3-24663 and JP 3-69162 for the Examiner's consideration. Applicant respectfully requests the Examiner to return an initialed and signed copy of the form in the next communication.

The drawings, title, specification and claims stand objected to for minor informalities. Claims 1 and 4-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,085,056 to Okada. Claims 1, 2, 4-7 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0009017 to Yoshino et al. (hereinafter "Yoshino"). Claims 8-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0063927 to Wang et al. (hereinafter "Wang") in view of U.S. Patent No. 4,916,490 to Tanaka et al. (hereinafter "Tanaka") in view of Japanese Patent Publication JP 8-146744. The Office Action's indication that claims 3 and 14 are allowed is gratefully acknowledged.

By this amendment, Figures 15A and 15B have been amended to address the concerns pointed out by the Examiner on page 2 of the outstanding Office Action. In particular, Figures 15A and 15B have been amended to include the legend "Prior Art." Withdrawal of the objection to Figures 15A and 15B is respectfully requested.

With respect to Figure 10, Applicant respectfully submits that the figure clearly illustrates the side surface of the casing 51 of toner cartridge 50. The side surface of the casing 51 is located opposite to the side surface of the cap 60. Referring briefly to Figure 9, this figure illustrates a state before the cap 60 is attached to the toner cartridge 50. The casing 51 includes an opening portion at one end and the cap 60 seals this opening portion. The opening portion terminates with the side surface illustrated in Figure 10. The side surface includes three portions a, b and c as illustrated in the drawing and described in detail on page 19, lines 2-8 of the specification. Therefore, Applicant respectfully submits that Figure 10 complies with 37 CFR 1.83(a) because the figure clearly shows what part of the toner cartridge is depicted and how the toner cartridge is connected to the rest of the drawing figures. Withdrawal of the objection to Figure 10 is respectfully requested.

The title has been amended to be clearly indicative of the invention to which the claims are directed. Withdrawal of the objection to the title is respectfully requested.

Regarding the objections to the specification and claims 8-12, Applicant respectfully submits that Figure 10 is fully discussed on page 18, line 33 through page 19, line 8 of the present specification. In particular the side surface of the toner cartridge 50 includes a first portion a which extends in the longitudinal direction and has a substantially cylindrical shape, a second portion b that extends in the longitudinal direction and has a substantially triangular shape (from Figure 10, second portion b also appears to be rectangular in shape) and a third portion c that extends in the longitudinal direction and is integrally formed with at least a part of the first portion a. From the above, Applicant respectfully submits that Figure 10 has been fully discussed and the features recited in claims 8-12 have been discussed and are well defined in the specification and the claims. Withdrawal of the objections to the specification and claims is respectfully requested.

Claims 1, 2, 7 and 13 have been canceled without prejudice to or disclaimer of the subject matter contained therein. The cancellation of these claims is not meant to concede to the appropriateness of the Examiner's rejection but to advance prosecution of the present application. Applicant reserves the right to pursue the subject matter of these canceled claims. Any rejection of claims 1, 2, 7 and 13 has been rendered moot in view of their cancellation.

Claim 4 has been amended to depend from allowed claim 3. Also, claim 5 has been amended to incorporate the allowed subject matter recited in claim 3. Thus, Applicant respectfully submits that amended claims 4 and 5 are now allowable. Claims 6 and 8 have been amended to further define the subject matter Applicant regards as the invention. New claims 15-17 have been added. Support for the subject matter recited in new claims 15-17 can at least be found on page 15, line 22 to page 16, line 10 and canceled claim 2; page 19, line 32 through page 20, line 10; and page 10, lines 11-20, respectively, of the present specification. Claims 3, 9-12 and 14 remain unchanged in the application.

This amendment changes, adds, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 3-6, 8-12 and 14-17 are presently pending in this application for consideration.

Applicant respectfully submits that independent claims 6 and 8 and claims dependent therefrom, are patentably distinguishable over the cited references as required by §§ 102 and 103. Applicant further submits that none of the cited references, whether considered alone or in combination, discloses Applicant's claimed toner cartridge arranged such that: (1) *a cap covers one end of the container along a longitudinal direction of the container and allows discrimination of a color and an amount of toner contained in the container* as provided for in claims 6 and 8; (2) *a shutter member opens or closes the replenishment port when the toner cartridge is attached/detached to/from the image forming device, with the shutter member and the replenishment port provided on the outer circumference* as provided for in claim 6; and (3) *a lid member opens/closes the discharge port as the toner cartridge moves*

*relative to the image forming apparatus when the toner cartridge is replaced* as provided for in claim 8. By contrast, the cited references fail to teach or suggest each of these claimed arrangements. Accordingly, independent claims 6 and 8 and claims dependent therefrom are patentably distinguishable over the cited references. These distinctions will be further described below.

### **THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES**

Independent claim 6 stands rejected under 35 U.S.C. § 102(b) and (e) as being anticipated by Okada and Yoshina,<sup>1</sup> respectively. Claim 8-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Wang, Tanaka and JP 8-146744. These rejections are respectfully traversed because amended independent claims 6 and 8 clearly disclose a toner cartridge arranged such that: (1) *a cap covers one end of the container along a longitudinal direction of the container and allows discrimination of a color and an amount of toner contained in the container*; (2) *a shutter member opens or closes the replenishment port when the toner cartridge is attached/detached to/from the image forming device, with the shutter member and the replenishment port provided on the outer circumference*; and (3) *a lid member opens/closes the discharge port as the toner cartridge moves relative to the image forming apparatus when the toner cartridge is replaced*. Each of the amended independent claims includes a couple of these arrangements.

Okada is directed to a toner cartridge having a partition wall to prevent a blockage of toner from accumulating in a lower part of the toner cartridge container. As illustrated in Fig. 1, the toner cartridge 2 is constructed having a discharge opening 16 provided partially in its bottom end surface 10 and a shutter mechanism 6 mounted on the bottom end of the container 4. The shutter mechanism 6 includes a shutter member 22 and a main member 20. The partition wall 18 is provided in the lower part 10 of the container 4. (Abstract, lines 1-9 and Column 6, lines 10-33). The toner cartridge 2 is mounted to a developing device by a pair of projecting pins formed on the lower surface of the shutter mechanism 6 being inserted into a

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<sup>1</sup> As stated above, claims 1, 2, 7 and 13 have been canceled. Thus, the rejections of these claims have been rendered moot. Claim 4 has been amended to depend from allowed claim 3. Independent claim 5 has been amended to incorporate all of the subject matter recited in allowed claim 3. Thus, Applicant respectfully submits that claim 5 is allowable.

pair of holes formed in a receiving portion of the developing device. (Column 8, lines 4-15). Mounting the toner cartridge 2 the developing device only prevents the shutter member 22 from turning relative to the developing device. (Column 8, lines 15 and 16).

Besides the shutter mechanism 6 being mounted on the bottom end of the container 4, instead of the claimed located of on the outer circumference of the toner cartridge, the shutter member 22 is in an open state allowing toner contained in the container 4 to be discharged, only after turning the container 4 and the main member 20 clockwise 90 degrees relative to the developing device. (Column 8, lines 17-27). Therefore, contrary to the Office Action's assertion at page 5, Okada fails to disclose or suggest the claimed arrangement of ***a shutter member that opens or closes the replenishment port when the toner cartridge is attached/detached to/from the image forming device***. As indicated above, in Okada, turning the container 4 is required to open and close the replenishing port. In addition, Okada also fails to disclose the new claimed arrangement of ***a cap that covers one end of the container along a longitudinal direction of the container and allows discrimination of a color and an amount of toner contained in the container***.

Yoshino is to directed a toner container for supplying toner into a developing apparatus. As illustrated in Fig. 2, a toner container 13 is structured with a cylindrical body having a toner outlet on one end and convex spiral flute formed on the inner periphery and a concave spiral flute formed on the outer periphery of the cylindrical body at the other end. (Abstract, lines 1-12). A toner support port 16 located at one end of the toner container 13 includes a cap 27, a bellows internal cover 28 and a toner outlet member 29. (Paragraph [0159], lines 1-3). In order to mount the toner container 13 into the developing apparatus, the cap 27 must be removed in advance. (Paragraph [0161], lines 1-4).

Contrary to the Office Action's assertion found on page 6, Applicant respectfully submits Yoshino fails to disclose or suggest ***a shutter member that opens or closes the replenishment port when the toner cartridge is attached/detached to/from the image forming device, with the shutter member and the replenishment port provided on the outer circumference***. Also, Yoshino fails to disclose the new claimed arrangement of ***a cap that covers one end of the container along a longitudinal direction of the container and allows***

*discrimination of a color and an amount of toner contained in the container*, since in Yoshino, the cap 27 must be removed before the toner container 13 is mounted into the developing apparatus.

In view of the fact that the Okada and Yoshino patents do not disclose each of the claimed arrangements indicated above, these two references cannot be said to anticipate nor can they be said to render obvious the invention which is the subject matter of independent claim 6. Thus, claim 6 is allowable.

Regarding independent claim 8, Applicant respectfully submits that the combination of references fails to disclose the claimed arrangements of *a cap that covers one end of the container along a longitudinal direction of the container and allows discrimination of a color and an amount of toner contained in the container* and *a lid member that opens/closes the discharge port as the toner cartridge moves relative to the image forming apparatus when the toner cartridge is replaced*.

Wang generally discloses a developer container including a gear transmission mechanism. As correctly noted in the Office Action at page 7, Wang does not disclose a grip which allows discrimination of a color of toner and an amount of toner contained in the container. In addition and contrary to the Office Action's assertion at pages 6 and 7, Wang also does not disclose a first and second portion, a cap and a lid member. Applicant respectfully submits that the Office Action has failed to make any correlation between the claimed features listed above and the alleged features shown in Wang.

Tanaka teaches the use of a grip 29 having a top side 30 for distinguishing the color in the container of a developing device and JP 8-146744 teaches the use of a color toner having a transparent part to check a the color of the toner. These references, however, do nothing to overcome the shortcomings of Wang and were not cited for that purpose. Accordingly, the combination of Wang in view of Tanaka and JP 8-146744 fails to render claim 8 obvious. Thus, claim 8 is allowable.

Since independent claim 8 is allowable, claims 9-12 are also allowable by virtue of their direct or indirect dependence from allowable independent claim 8 and for containing

other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited references is not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

By [Signature] Reg. No. 43,438  
/s/ Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888





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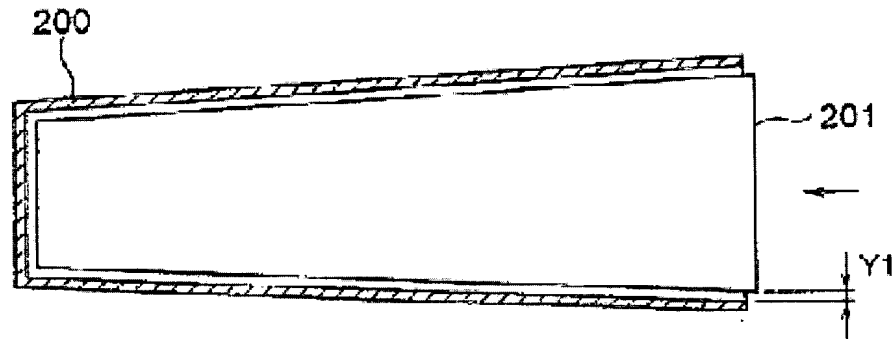


FIG. 15A  
PRIOR ART

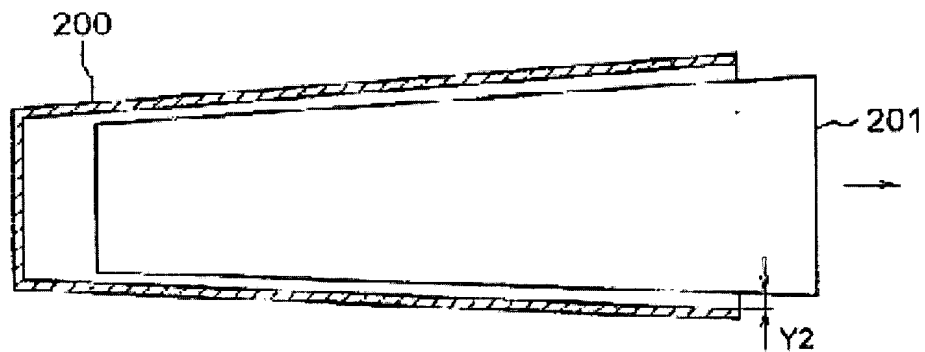


FIG. 15B  
PRIOR ART